

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	
HUGH F. O'NEIL BARNES,)	
Petitioner)	CIVIL ACTION NO.
)	04-11422-RCL
v.)	
)	
UNITED STATES OF AMERICA,)	
Respondent)	
)	

**Government's Motion To Extend Time Within Which To File Its
Response to Petitioner's Motion To Vacate Sentence Pursuant To 28
U.S.C. §2241**

The United States of America, by Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, hereby files this motion to extend the time within which to file its response to the petitioner's motion to vacate his sentence pursuant to 28 U.S.C. §2255. The government requests that the Court extend the time to Friday, March 11, 2005.

In support of this motion, the government states that, on December 21, 2000, the petitioner was sentenced to 135 months' imprisonment after having pled guilty earlier that year to a federal indictment charging him with conspiracy to import cocaine. The petitioner filed a direct appeal of his sentence and the Judgment was affirmed by the Court of Appeals on March 3, 2003. The petitioner is currently serving his sentence at FCI Elkton in Lisbon, Ohio.

The petition may be time-barred, having been filed on June 14, 2004, and, in any event, is completely meritless. The government is in the process of preparing a response dealing with

both the procedural issues and the merits. The government, however, needs additional time to finish the memorandum due to the fact that the AUSA who prosecuted this case is no longer with the U.S. Attorney's Office. This case has been assigned to the undersigned, who has prosecuted three contested jury trials since late November, 2004. The undersigned will be out of the office on military leave the week of February 28, 2005. Due to these and several other investigations and cases, the government needs additional time to complete its response.

Based on the foregoing, the government respectfully requests that the Court extend the time within which the government has to file its response to Friday, March 11, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

Dated: February 9, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Hugh F. O'Neil Barnes
Register No. 45896-054
FCI Elkton
P.O. Box 10
Lisbon, OH 44432

This 9th day of February, 2005.

/s/ David G. Tobin
DAVID G. TOBIN
Assistant United States Attorney